

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Marie Sylvestre,

Plaintiff,

MEMORANDUM & ORDER
24-MC-02264 (EK)

-against-

United States of America,

Defendant.

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ERIC KOMITEE, United States District Judge:

Marie Sylvestre, proceeding *pro se*, moves to expunge the record of a criminal conviction that is more than twenty years old. See ECF No. 1; ECF No 63 (02-cr-824). Following a jury trial before the Hon. Sterling Johnson, Petitioner was found guilty of Conspiracy to Commit Healthcare Fraud and Healthcare Fraud. See ECF No. 63 (02-cr-824). She was sentenced to five months' imprisonment, five months of home confinement, and three years of supervised release on June 5, 2003. See ECF No. 62 (02-cr-824). She now seeks to expunge her record because her conviction is burdensome when she applies for work or seeks to travel. ECF No. 1, at 2.

United States District Courts lack subject matter jurisdiction over motions to expunge valid criminal convictions, absent an express grant of authority from Congress. See, e.g., *Doe v. United States*, 833 F.3d 192, 198-99 (2d Cir. 2016).

Petitioner points to no statute that would authorize the Court to expunge her conviction, and the Second Circuit has made clear that I lack that power. *Id.* This is true even when a petitioner has paid her debt to society and moved on from a difficult period in her life – including by seeking gainful employment, as Ms. Sylvestre reports that she is doing. ECF No. 1, at 2. Accordingly, the motion must be denied, and Petitioner’s application is dismissed.

The Clerk of Court is directed to mail a copy of this order to the Petitioner and to close the case for administrative purposes.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: June 20, 2024
Brooklyn, New York